

## CHAPTER 8: GAUGING COOPERATION OF SOUTHEAST ASIAN GOVERNMENTS

It is not possible to account for the Americans who are missing from the war in Southeast Asia without cooperation from the governments of the region, especially Vietnam. Over the years, our government has requested this cooperation in four forms.

First, we have requested all information about live American prisoners, former prisoners or deserters.

Second, we have asked for the return of any recovered or recoverable remains of missing American servicemen.

Third, we have sought access to files, records, documents and other materials that are relevant to the fates of missing Americans.

Finally, we have asked for permission to visit certain locations within these countries to investigate live-sighting reports and search for actual or suspected airplane crash sites.

### VIETNAM

The U.S. has long believed that Vietnam knows a great deal more about the fate of missing Americans than they have acknowledged. This view was based on our belief that the North Vietnamese maintained detailed records of U.S. servicemen who came within their prison system during the war, including many lost in North Vietnamese-controlled areas of South Vietnam, Cambodia and Laos. U.S. intelligence agencies are convinced, moreover, that the Government of Vietnam at one time recovered and stored an unknown quantity of remains of American servicemen, apparently for release at politically strategic points in time.

The level of U.S.-Vietnamese cooperation in accounting for missing Americans has varied over the years depending on bilateral and global political conditions and on the degree of emphasis placed on the issue by U.S. officials. At the time the Select Committee was created, there was considerable progress being made in

the investigation of discrepancy cases, and an agreement had been reached with Vietnam to allow an official DoD investigating presence to be established in Hanoi.

Over the past year, Committee members have visited Vietnam on four occasions to press for further cooperation. Those visits, coupled with ongoing efforts from the Executive branch, have yielded substantial results. Below is a discussion of the evolution of U.S.-Vietnamese cooperation on the issue, from the end of the war to the present.

### *From Operation Homecoming until 1982*

Article 8 of the Paris Peace Accords required the exchange of prisoners of war, the exchange of information about the missing in action and the return of all the recoverable remains of those missing men or prisoners who have died. Although the agreement did not extend technically to Cambodia or Laos, the U.S. negotiators were assured that North Vietnam would cooperate in efforts to repatriate American prisoners captured in Laos.

As described elsewhere in this report, the atmosphere of reconciliation produced by the peace agreement did not last long. The North Vietnamese continued to funnel arms to their allies in the south; the U.S. continued to bomb Cambodia and, at times, Laos; the South Vietnamese did not cooperate in releasing civilian prisoners; and the Viet Cong continued doing all it could to increase its military and political strength. Amidst this atmosphere of contention and accusation, efforts to account for Americans missing in North Vietnam, Laos or Cambodia did not get off the ground.

A total of 591 American prisoners were repatriated in Operation Homecoming, a lower-than-anticipated number that disappointed the nation. U.S. officials had hoped for the return of more than 80 others who were listed by the DIA as prisoners of war, and at least some of the many hundreds who were listed as missing in action.

From the end of the Operation Homecoming to the fall of South Vietnam in 1975, the United States Government pressed the North Vietnamese to cooperate in accounting for our missing, but succeeded only in obtaining the remains of 23 servicemen. The United States focused its appeals to North Vietnam on what later came to be called "discrepancy cases." These were men for whom we had information that they had survived their incidents of loss and were known or appeared to have been captured by the enemy, and for whom we had received from Hanoi neither their remains nor information about their fates. Even before Operation Homecoming was complete, Dr. Kissinger raised a number of these cases directly with the North Vietnamese in Hanoi.<sup>551</sup> The North Vietnamese were unresponsive to U.S. requests.

The responsibility for carrying out the technical work involved in accounting for missing Americans was assigned to the Joint Casualty Resolution Center (JCRC), established in January 1973. Working under difficult and sometimes hostile conditions, JCRC teams were able to recover some American remains from old battlefields in South Vietnam. Among the last American servicemen to be

<sup>551</sup> See Chapter 2 for more detail on Kissinger's February 1973 visit to Hanoi.

killed by hostile fire in Vietnam was a member of a JCRC field team who was shot and killed by the Viet Cong on Dec. 15, 1973.<sup>552</sup>

All JCRC field activity ended with his death; diplomatic efforts to obtain an accounting through the Four-Party Joint Military Team ran into a brick wall as a result of the overall problems of implementing the agreement; and virtually all official U.S. contact with Vietnam was terminated after the fall of Saigon and the unification of Vietnam under the North's control.

In November 1975, the House Select Committee on Missing Persons in Southeast Asia, chaired by Representative G.V. "Sonny" Montgomery, sought to meet with Vietnamese officials for discussions about unaccounted-for Americans. To accommodate Hanoi's insistence that such POW/MIA questions be part of broader discussions on a range of U.S./Vietnamese bilateral issues, the Montgomery Committee agreed to include members of other committees in its delegation.

In a Nov. 14, 1975 meeting with Montgomery Committee members, Secretary of State Henry Kissinger had recommended that the members discuss the "MIA issue in the context of normalization rather than in a framework of the Paris accords, which the North Vietnamese had violated."<sup>553</sup>

Vietnam agreed to meet with the Montgomery Committee, and on Dec. 6, 1975, members of the Committee accompanied by four members of other committees met with North Vietnamese Ambassador Vo Van Sung in Paris.

During their meeting, which included discussions of trade and aid, Ambassador Sung claimed that Vietnam had released all prisoners of war, and had organized efforts to collect information about missing Americans who had been killed in action. Sung committed his government to the repatriation of the remains of three American pilots as a first step towards better understanding between Vietnam and the U.S. Sung made clear, however, that the construction of a warmer relationship between the United States and Vietnam would require reciprocal actions on the part of the U.S. A meeting in Hanoi was scheduled for four days later.

On Dec. 18, 1975, four members of the Montgomery Committee traveled to Hanoi with a letter from President Ford which described the President's views on reciprocity and offered the assurance that the U.S. would be forward-looking in its relations with the new governments of Indochina.

Three sets of remains were turned over to the delegation in Hanoi. Meetings were held with Vietnamese Prime Minister Pham Van Dong and Vice Foreign Minister Pham Hein. The Vietnamese reiterated their contention that all American POWs has been released.<sup>554</sup> The Congressman appealed for documented evidence on the missing, and for the recovery of the remains to two Marines who had been killed at the end of the war. The Vietnamese promised to supply information about the two Marines.

<sup>552</sup> Two U.S. Marines died in a rocket attack on Tan Son Nhat Airport in the final days of the evacuation.

<sup>553</sup> Final Report of the House Select Committee on Missing Persons in Southeast Asia, Chapter II, Section Four.

<sup>554</sup> At this time, a number of American civilians were imprisoned or detained in Vietnam after the fall of Saigon. Most were released in 1976.

The North Vietnamese officials then raised the question of promised reconstruction aid from the U.S. and their understanding of such as referred to in President Nixon's February 1, 1973 letter to Pham Van Dong. The Congressmen stated their view that grant assistance from the U.S. to Vietnam was highly unlikely.

In March 1976, the Select Committee met with Secretary of State Henry Kissinger and unanimously recommended to him that the Department of State begin direct negotiations with the Vietnamese in an effort to resolve POW/MIA questions. That same month, the U.S. sent a communication to Hanoi requesting preliminary talks. This and other appeals by the Montgomery Committee for additional meetings with Vietnamese officials were rebuffed by Hanoi.

In 1977, the Carter Administration, acting on the recommendations of the Montgomery Committee, explored the possibility of obtaining additional POW/MIA information through improved overall relations between the United States and Vietnam.

In February 1977, President Carter appointed a commission headed by United Autoworkers President Leonard Woodcock and assigned it the task of seeking additional information from Vietnam and Laos. The Commission was to listen and report back on matters of interest to the governments of those countries.

The Woodcock Commission visited Laos and Cambodia in March 1977. In both countries, the delegation received assurances of cooperation on POW/MIA matters, coupled with expressions of interest in the possibility of economic aid. In Vietnam, the Commission received the remains of 12 U.S.C. airmen and was informed that a specialized office would be established by the government to receive information on missing Americans.

The Woodcock Commission recommended the resumption of regular talks between the U.S. and North Vietnam, and encouraged the normalization of diplomatic relations as a means for obtaining a fuller accounting of missing Americans.

In May 1977, U.S. and Vietnamese representatives held two days of talks in Paris, during which the U.S. offered to normalize relations without any conditions. The Vietnamese refused, arguing that normalization of relations should be contingent on the payment of U.S. reconstruction aid.

In July 1977, Vietnam joined the United Nations with U.S. support.

In 1978, Vietnamese officials met with JCRC officials in Hawaii as part of a general move toward better relations. Apparently because the Carter Administration appeared intent on improving relations with Vietnam, Vietnam repatriated more than 40 sets of remains during the Administration's first two years.

The Carter Administration scrapped further consideration of improved relations with Vietnam following its invasion of Cambodia in late 1978. This brought progress in obtaining an accounting for missing Americans to an abrupt halt. Meanwhile, continued violence in the region accelerated the exodus of refugees, and with them, reports that American prisoners had been seen alive in Southeast Asia after the war.

*Reagan administration initiatives (1982-1987)*

In 1982, the Reagan Administration began to revive efforts to account for missing. In February 1982, Deputy Assistant Secretary of Defense Richard Armitage led a delegation to Hanoi for POW/MIA discussions with a Vietnamese delegation headed by Deputy Foreign Minister Dinh Ngo Liem.

In the course of these discussions, Vietnam agreed to further technical meetings among officials of the JCRC and Central Identification Laboratory in Hawaii (CIL-HI) and personnel from Vietnam's Office for Seeking Missing Persons (VNOSMP). Vietnam further agreed to consider four such meetings a year, and to dispatch a working-level team to JCRC/CIL-HI. Lastly, Vietnam agreed to consider a U.S. proposal to begin joint U.S./Vietnam crash-site searches for information about missing Americans.

In September 1982, a delegation from the National League of Families visited Hanoi. The delegation, led by the League's Chairman, George Brooks, gained an agreement from Vietnam to hold four government-to-government technical meetings a year on POW/MIA questions.

Four sets of remains were repatriated by Vietnam and identified as those of Americans in 1982.

In July 1983, Vietnam suspended technical meetings in reaction to what Hanoi termed "hostile statements" by senior U.S. officials. This was a reference to Secretary of State George Shultz' comments at an ASEAN meeting in Bangkok that Vietnam was holding more than 400 sets of U.S. remains.

In October 1983, Dr. Richard Childress, the National Security Council's Director for Asian Affairs, and the League's Executive Director, Ann Mills Griffiths met in New York with Vietnam's Foreign Minister, Nguyen Co Thach. In the course of the ensuing informal discussions, Thach agreed that Vietnam's cooperation on POW/MIA questions would be undertaken on a humanitarian basis and would not be linked to diplomatic or economic considerations. He further agreed to receive a senior U.S. delegation in Hanoi to discussion expanding U.S./Vietnamese cooperation to resolve the POW/MIA issue.

Eight sets of remains were repatriated by Vietnam and identified as American in 1983.

In January 1984, the following joint communique was issued by the Socialist Republic of Vietnam, the Lao People's Democratic Republic and the People's Republic of Kampuchea:

With the spirit of friendship between the American people and the three Indochinese peoples which was strengthened in the struggle against the war of aggression waged by the U.S. leaders in Indochina, on the basis of humanitarianism, and understanding the American people, each country of Indochina will try to inform one another about the Americans missing during the war in Laos, Vietnam and Kampuchea.

A delegation led by Armitage traveled to Hanoi in February 1984. Prior to the delegation's departure, Vietnam and the United States released the following statement:

By mutual agreement, the governments of the United States and the Socialist Republic of Vietnam believe that the issue of Americans missing in Vietnam is a humanitarian one to be dealt with through mutual cooperation and good will.

Vietnam's commitment to treat the resolution of POW/MIA questions as a humanitarian issue appeared to allow the United States to pursue cooperation with Vietnam without having to deal constantly with the entanglements of economic aid and diplomatic recognition. This expressed lack of linkage has done a great deal since 1984 to facilitate our dialogue with Vietnam, even through Vietnam's call for "mutual cooperation and good will" carries with it an implication of anticipated progress in these and perhaps other areas.

The February 1984 delegation led by Richard Armitage obtained a formal agreement from Vietnam to accelerate accounting efforts; to focus initial efforts on easily accessible discrepancy cases in the Hanoi/Haiphong area and on easily recoverable remains; to provide new information on several missing Americans; and to resume technical meetings in the near future.

Later in the year, Vietnam's cooperation as outlined in the February agreement stopped. Hanoi cited U.S. "hostile rhetoric" over Vietnam's continued occupation of Cambodia, and the sale of U.S. radar equipment to China as reasons for the setback.

In October, Childress again traveled to New York for meetings with Thach, who repeated Vietnam's promise to accelerate resolution of discrepancy cases in the Hanoi/Haiphong area. He further agreed to focus on resolving cases of Americans listed by the former Viet Cong as died in captivity; to send teams into the countryside to investigate first-hand live-sighting reports; and to continue Vietnam's overall commitment to resolve the POW/MIA issue as a humanitarian endeavor.

Six sets of remains were repatriated by Vietnam and identified as those of Americans in 1984.

Childress, Griffiths and Thach next met in New York in March 1985 to discuss a U.S. initiative to expand joint efforts in a comprehensive two-year plan. Thach promised his Government would consider the two-year plan. He also agreed to expand the number of technical meetings from four to six, or more if necessary; to expedite the return of remains promised in February to the U.S. technical team; and to reaffirm Vietnam's focus on Hanoi/Haiphong discrepancy cases.

Later that month the remains of six Americans were repatriated, including two Americans who were on the PRG list addressed in Thach's October 1984 commitment.

In July 1985, following discussions with Childress, Griffiths and Thach agreed to renew negotiations with senior U.S. officials with the intention of resolving the POW/MIA issue within two years.

Childress led a U.S. delegation to Hanoi in August 1985 for meetings with Acting Foreign Minister Vo Dong Giang. The U.S. proposed a comprehensive two-year work plan to resolve the issue, which included the establishment of a U.S. technical presence in Hanoi. The technical office was rejected by Hanoi because the U.S.

rejected Vietnam's proposal to open a reciprocal office in Washington. Vietnam offered a counter-proposal to the U.S. which included language unrelated to POW/MIA questions.

Both sides agreed to meet again in New York in September to resolve differences in the two-year plans. In those follow-up discussions, the U.S. accepted in principle Vietnam's unilateral, two-year plan with modifications. Vietnam agreed to conduct a joint crash site investigation, and pledged the repatriation of additional American remains. The U.S. noted that Vietnam's cooperation on POW/MIA questions would facilitate an improvement in relations following the achievement of a peace settlement in Cambodia.

In 1985, 38 sets of remains were repatriated by Vietnam and identified as those of Americans. This was the largest single turnover of remains since the end of the war.

In January 1986, Childress and Armitage led a delegation to Hanoi which included Assistant Secretary of State Paul Wolfowitz and Griffiths. Their meetings with Thach produced an agreement for cooperative, multiple field activities, and Vietnam's reaffirmation of its commitment to investigate live-sighting reports and to all earlier agreements.

Vietnam's failure to implement its previous agreements with the U.S. prompted another Childress-led delegation to New York in May 1986 to meet with Vietnam's Deputy Foreign Minister Hoang Bich Son, and a subsequent meeting in Hanoi with Thach in July 1986.

In New York, Childress received assurances that Vietnam would resume a schedule of technical level activities in keeping with prior commitments, and a promise that Vietnam would increase the personnel and other resources committed VNOSMP, Vietnam's MIA Office.

The July discussions in Hanoi produced the usual reaffirmations of accelerated cooperation and humanitarian purpose. Additionally, Vietnam undertook to:

- Hold "very productive" technical level meetings in August and October;

- Allow consultations between American and Vietnamese forensic specialists in Vietnam;

- Provide in writing the results of its unilateral investigations of live sighting reports (few details of which had theretofore been provided to the U.S.);

- Allow U.S. experts to accompany Vietnamese officials on investigations in accessible areas; discuss with the U.S. specific crash sites for joint excavation; and

- Send another delegation to JCRC and CIL-HI.

By the fall of 1986, it had become abundantly clear to the U.S. that Vietnam's agreements and reaffirmations did not translate into measurable action. U.S. appeals to Vietnam to match deeds with words were met with repeated assurances of Vietnam's good faith, but did little to produce the level of cooperation necessary to resolve the POW/MIA issue in the agreed-upon, two-year time frame.

In 1986, 13 sets of remains were repatriated by Vietnam and identified as those of Americans.



*Gen. Vessey's contributions, 1987-1991*

In April 1987, after months of internal discussion, the Reagan Administration attempted to overcome the prevailing absence of meaningful Vietnamese cooperation on POW/MIA questions by appointing General John W. Vessey to be the President's Special Emissary to Vietnam for POW/MIA Affairs.

Vessey retired after serving 46 years; his last post was as the Chairman of the Joint Chiefs of Staff. He returned from retirement at President Reagan's request and was awarded the Presidential Medal of Freedom in 1992 for his efforts on behalf of unaccounted-for servicemen.

Childress led a U.S. delegation to Hanoi in May 1987 to elicit Vietnam's agreement to receive the President's emissary. After difficult negotiations, and a recitation of Hanoi's grievances with the United States, Vietnam agreed to accept General Vessey.

As described by Vessey, President Reagan's instructions were to negotiate with the Vietnamese to establish a mechanism with which to pursue the fullest possible accounting of missing Americans. The first priority was to ascertain whether any Americans remained in captivity in Southeast Asia.

The President added to Vessey's portfolio three humanitarian objectives: the release of former South Vietnamese political and military officials from so-called "re-education camps"; the implementation of the Orderly Departure Program to reunite Vietnamese with their families in the United States and to gaining permissions for the emigration of Amerasian children to the United States. Vessey also was authorized by the President to consider Vietnam's humanitarian concerns and to recommend limited U.S. initiatives to address some of those concerns.

Due to the dedication and skill of Vessey, enormous progress has been made toward these objectives. Today, the re-education camps are empty, the Orderly Departure Program is approaching its successful completion, and there is a mechanism in place in Vietnam which should ultimately provide the United States with the necessary information to achieve the fullest possible accounting for our missing men.

Vessey's first mission to Vietnam occurred in August 1987. The first priority of his discussions with Thach was to extract a recognition from the Vietnamese of discrepancy cases was required thorough investigation of discrepancy cases was required if the U.S. was to accept Vietnam's assurances that it held no American prisoners.

Vessey succeeded in gaining Vietnam's acceptance of the view that resolving discrepancy cases was essential to the accounting process. His initial negotiations with Thach produced Vietnam's agreement to renew cooperation on POW/MIA questions by focusing on discrepancy cases and on those cases of Americans who were listed as having died in captivity in the South.

It was further agreed that the focus of discrepancy case investigations would be on 70 cases which Vessey termed "most compelling." Vietnam agreed to specific measures to accelerate progress toward accounting for our missing, and to subsequent meetings of U.S. and Vietnamese experts to facilitate this progress.



Additionally, both the U.S. and Vietnam affirmed that cooperation on POW/MIA and on other humanitarian issues would be pursued separately from other bilateral matters. The U.S. agreed to address certain humanitarian concerns of Vietnam, and to send a team of experts to Vietnam to collect information such as prosthetics requirements and capabilities on the problems of Vietnam's disabled.

In September 1987, Vessey led a delegation to New York for followup discussions with Vietnam's Deputy Foreign Minister Nguyen Dy Nien. Vietnam's cooperation still lagged behind its formal assurances, and in December Childress traveled to New York to meet with members of Vietnam's delegation to the United Nations to urge more rapid cooperation. Vietnam agreed to hold technical talks in January 1988.

In 1987, 8 sets of remains were repatriated by Vietnam and identified as those of Americans.

Vessey met again with Minister Thach in New York in June 1988. Along with promises to accelerate cooperation and reaffirmations of earlier agreements, Thach agreed in principle to permit joint field surveys and excavations.

In the following months, Vietnam's cooperation with U.S. efforts improved substantially. Joint field operations were increased, and a large number of remains were repatriated.

In 1988, 62 sets of remains were repatriated by Vietnam and identified as those of Americans.

After reappointment by President Bush as Special Emissary, Vessey led a delegation to Hanoi in October 1989. In addition to seeking expanded joint field operations, Vessey's negotiations prioritized the United States' need for information from Vietnam's war archives.

Thach agreed in the October discussions to search for additional data regarding discrepancy cases, and to accept for investigation new discrepancy cases, including those involving Americans who were lost in areas of Laos controlled by North Vietnam during the war. Additionally, Thach agreed to expand cooperation in the field, recognizing the U.S. need for specific data and access to eyewitnesses.

Vietnam's familiar reluctance to implement its public and private assurances with the agreed-upon actions prompted a December 1989 meeting between Deputy Assistant Secretary of State David Lambertson and Vietnam's U.N. Ambassador Trinh Xuan Lang, during which Lang reaffirmed Vietnam's promise to increase cooperation.

In 1989, 33 sets of remains were repatriated by Vietnam and identified as those of Americans.

In September 1990, Vessey and Assistant Secretary of State Richard Solomon met with Vietnam's Vice Foreign Minister Le Mai for discussions on Cambodia and the need to resolve the POW/MIA issue.

Later that month, Secretary of State James A. Baker, III, met in New York with Foreign Minister Nguyen Co Thach. Baker stressed to Thach the importance the U.S. attached to resolving the POW/MIA issue and appealed to Thach for Vietnam's full implementation of the commitments it had undertaken on POW/MIA coopera-

tion, recognizing that once a Cambodian settlement was achieved, Hanoi's cooperation on POW/MIA questions would govern the speed with which the U.S. and Vietnam improved their relations.

The following month, Thach and his delegation came to Washington for discussions with Vessey. This was the first visit by a senior Vietnamese official since the war and was intended to symbolize the promise of improved relations portended by cooperation on the POW/MIA issue.

U.S. officials had long suspected that Vietnam's war-time records included substantial information about the fate of missing Americans. Accordingly, Vessey's efforts were increasingly focused on securing U.S. access to Vietnamese military archives which contained this information.

Vessey's discussions with Thach in Washington yielded Vietnam's agreement to form a joint research "information seeking" team with the U.S. to locate and make available Vietnamese historical documents which contained information relevant to POW/MIA cases.

Also during the Washington meeting, Vessey resurrected the U.S. proposal to establish a POW/MIA office in Hanoi. He stressed that the U.S. would have to be assured that a resident U.S. team in Hanoi would have sufficient work to justify its presence; this would include access to archival information.

Thach's interest in establishing a U.S. POW/MIA office in Hanoi was immediately apparent. Not only in discussions with Vessey, but in subsequent discussions with members of Congress and other interested Americans Thach frequently stressed his desire that the office be opened quickly.

The question of an official U.S. presence in Hanoi had become more than a mechanism to hasten resolution of the POW/MIA issue. Thach, who was Vietnam's leading proponent of rapprochement with the U.S., perceived the opening of a U.S. POW/MIA office in Hanoi as evidence of progress toward normalization of relations.

Despite its Foreign Minister's interest, Vietnam did not move quickly to ensure U.S. confidence that its POW/MIA team would have the access to documentary evidence required. Progress stalled over Vietnam's insistence that U.S. access to military documents would compromise Vietnam's national security. Accordingly, only Vietnamese personnel would search the archives, after which they would share with the U.S. their summary notes of any information related to U.S. POW/MIA cases they discovered. This arrangement was not satisfactory to the U.S.

In 1990, 17 sets of remains were repatriated by Vietnam and identified as those of Americans.

### *1991: The pace of activity quickens*

In April 1991, Senator John McCain traveled to Vietnam for meetings with President Do Muoi and Foreign Minister Thach in an effort to advance the establishment of a U.S. POW/MIA office there. McCain sought Vietnam's agreement to allow U.S. investigators the kind of access to archival information which would meet both Vietnamese and U.S. concerns. McCain was also authorized by the Bush Administration to discuss in general terms a forthcoming

U.S. proposal for bilateral cooperation leading to the full normalization of relations, which came to be referred to informally as the "Road Map."

Thach was initially reluctant to modify Vietnamese strictures on access to their archives, but near the end of their discussions Thach asked McCain to offer his assurances to Vessey that American investigators would be granted the level of access that the U.S. had requested.

In April 1991, Assistant Secretary of State Solomon outlined to U.N. Ambassador Lang the United States' road-map proposal for improved relations. In general terms, the Road Map provides in four phases for the normalization of economic and diplomatic relations between the United States and Vietnam conditioned on Vietnam's cooperation in the achievement and implementation of a settlement to the Cambodian civil war and the fullest possible accounting of American POW/MIAs.<sup>555</sup>

Vietnam never formally accepted nor rejected this outline of reciprocal steps toward full normalization of relations, although Vietnamese officials have often expressed resentment at its terms. Nevertheless, Vietnam appears to recognize that U.S. terms for normalization are unlikely to be improved (from their perspective).

Since the Road Map proposal was put forward, Vietnam has fully met the standard of cooperation requested with respect to the peace plan in Cambodia. Although serious problems exist with respect to the implementation of that plan, the responsibility for these problems does not rest with Vietnam.

Vietnam's cooperation on the POW/MIA issue over the last 20 months is not as satisfactory as its constructive cooperation in the Cambodia settlement. However, when judged as a whole, the steps Hanoi has taken since April 1991 depict dramatic albeit irregular, progress in joint efforts to account for missing Americans.

Unfortunately, the number of Americans accounted for has fallen dramatically during the same period. The impetus for Vietnam's cooperation has come from several sources. Vessey has provided the Vietnamese with a respected and influential contact with the U.S. government.

The Bush Administration's Road Map establishes a clear linkage between increasing levels of Vietnamese cooperation and American responses.

The disintegration of the Soviet empire has deprived Vietnam of many external sources of economic assistance and political comfort. Vietnam's relations with China, which have been tense traditionally, have worsened over territorial disputes. With its Soviet allies gone, Vietnam now lacks a counterweight to Chinese influence.

The rapid economic growth of other Southeast Asian nations has given younger Vietnamese leaders a strong incentive to establish their own contacts with the West.

The formation of the Select Committee has demonstrated anew the high priority attached to POW/MIA issue by the American people and Government.

<sup>555</sup> The road map remains classified. Vietnam has released it.

Obviously, the Committee does not know precisely how all of these matters have been factored into the calculations of the Vietnamese Government, but the overall trends offer hope for better cooperation on POW/MIA issues.

Shortly after Solomon discussed the Road Map with Lang, Vessey led another U.S. delegation to Hanoi. In the course of their discussions, Thach reiterated Vietnam's humanitarian purpose: an implicit, though not formal, rejection of the Road Map's linkage of normalization to POW/MIA accounting.

The most important accomplishment of the April 1991 Vessey trip was an agreement to establish a U.S. POW/MIA office in Hanoi. Although the office was originally intended to be temporary, it remains in full operation today, staffed by the Joint Task Force-Full Accounting (JTF-FA). The office, informally referred to as the "Ranch," coordinates archival research, helps to plan field investigations, and serves as a base of operations for live-sighting investigations.

Although establishment of the Ranch was a step forward in U.S.-Vietnamese cooperation, U.S. investigators did not gain promised access to archival information on a timely or regular basis for many months. In July 1991, prospects for further cooperation appeared to suffer a setback when Thach was relieved of his ministerial portfolio and his seat in the Politburo. As previously observed, Thach was considered to be Vietnam's leading senior advocate of better relations with the U.S. His removal was seen by some observers to be at least partly attributable to dissatisfaction inside the Politburo with the pace of progress toward lifting the U.S. trade embargo against Vietnam.

In August 1991, Vietnam's Vice Foreign Minister Le Mai met with Solomon in Bangkok. Mai argued that Vietnam and the U.S. had resolved already the discrepancy cases, presumably clearing the way for rapid progress towards normal relations. Solomon responded by suggesting that greater progress on these cases was still expected by the U.S.

In September 1991, the United States announced a grant of \$1.3 million to assist the war-disabled in Vietnam.

In October 1991, Vessey returned to Hanoi for a meeting with the newly-appointed Prime Minister, Vo Van Kiet, and newly-appointed Foreign Minister, Nguyen Manh Cam. During the meeting, the Prime Minister pledged "unconditional cooperation" to resolve the POW/MIA issue, which gave U.S. officials encouragement that Vietnam had not forsaken such cooperation in the new internal political environment in Hanoi.

Also in October, Secretary Baker announced that the U.S. was prepared to take some steps toward normalization with Vietnam in light of Vietnam's support for the Cambodia peace plan. In December, the U.S. Government lifted its ban on organized travel to Vietnam by Americans and began implementing other steps within Phase I of the Road Map.

About this time, U.S. investigators in Vietnam received part of an 84-page military record documenting U.S. air losses in Military Region Four. The U.S. made frequent appeals for the rest of this valuable document. Vietnamese officials assured the U.S. that they would turn over the complete document, but did not do so.

In 1991, three sets of remains were repatriated by Vietnam and identified as those of Americans.

*1992: Administration and committee efforts to encourage cooperation*

The Select Committee has worked closely with the Executive Branch, and especially with Vessey, to encourage greater cooperation from Vietnam and the other countries of Southeast Asia. During 1992, a series of high-level U.S. delegations traveled to the region for the purpose of demonstrating American interest and conveying specific U.S. requests. The continuing series of visits helped greatly to maintain diplomatic pressure on the governments of the area and to see that assurances given one month were followed up the next.

In January 1992, General Vessey lead a military delegation to Hanoi for meetings with Foreign Minister Cam, and for the first time with Defense Minister Doan Khue. Additional meetings were held with vice ministers of the Interior and Defense ministries.

The mission's primary objectives were to achieve access to archival information consistent with past Vietnamese assurances by securing Vietnamese permission to field multiple U.S. teams of archival researchers, and to establish a credible way to conduct live-sighting investigations on short notice.

The results of the January mission were disappointing, with one exception: the long-delayed release by Vietnam to the U.S. of the remainder of the 84-page anti-aircraft battery record of Military Region Four. However, the Vietnamese were unwilling to accede to U.S. requests for a live-sighting investigation agreement and a formalized structure for archival research.

According to senior members of the delegation, Vietnamese negotiators all seemed to speak from the same list of talking points. They agreed only to establish a point of contact to coordinate with the U.S. on live-sighting investigations; to strengthen existing measures for acquiring documentary information about POW/MIAs; and to reconsider U.S. requests at a later meeting.

Shortly after the Vessey delegation returned, the U.S. began considering a higher profile delegation to Hanoi as a means of encouraging Vietnam to accept Vessey's proposals for live sighting investigations and archival research. In March, a delegation headed by Solomon traveled to Hanoi.

The Solomon delegation found a much different attitude prevailing in Hanoi than that which Vessey had encountered in January. The causes for Hanoi's change of heart are open to speculation; all that can be said with certainty is that, with surprising ease, the Solomon delegation was able to conclude agreements on the aforementioned proposals. The U.S. now had a very specific commitment on short-notices, live-sighting investigations, and a detailed plan to provide the U.S. with access to Vietnam's war archives.

One month later in April 1992, the Select Committee would test the sincerity of Vietnam's commitments to Solomon, and, in some areas, expand those commitments.

### *April 1992: Select committee delegation*

On April 16, five members of the Select Committee—Senators Kerry, Smith, Robb, Brown and Grassley—embarked on a ten-day mission to Southeast Asia. Members of the delegation spent three days in Vietnam. Their purpose was twofold: first, to obtain the necessary assurances of cooperation from senior Vietnamese leaders; and, second, to ensure that those guarantees of access would be carried out.

The Senate delegation's stay in Vietnam demonstrated both the significant progress that had been made on the POW/MIA issue as well as the formidable obstacles which still remained to obtaining the fullest possible accounting for the 1,655 servicemen lost in or over Vietnam. The senators arrived in Hanoi on April 21, shortly after 58 JTF-FA and CIL-HI crash-site and live-sighting investigators had arrived for the nineteenth "joint iteration" and had divided into five teams to conduct 30 days of excavations and investigations in seven northern and central provinces in Vietnam.

### *Meetings in Hanoi*

During meetings with numerous senior Vietnamese officials in Hanoi, the Senate delegation received assurances of continued cooperation on the POW/MIA issue. Initial meetings on April 21 with Foreign Minister Cam and Defense Minister Khue, while promising in tone, did not yield specific plans to advance Vietnamese cooperation. Both ministers adamantly reasserted that there were no American prisoners of war in captivity or living freely in Vietnam.

The senators repeatedly emphasized the importance of immediate access to areas of live-sighting reports, access to war-time archives and officials, better logistical support for joint investigative teams, and a resolution of the issue of warehousing remains.

Senators also met with Interior Minister Bui Thien Ngo whose Ministry controls the Vietnamese prison system. Ngo promised cooperation in providing U.S. investigators access to prisons where Americans were alleged to be held after the Operation Homecoming.

Other meetings with VNOSMP officials focused on the procedural and administrative difficulties U.S. investigators encountered in attempting to conduct thorough live-sighting and crash-site investigations. The delegation also visited the Army war museum in Hanoi where flight gear of downed American pilots is displayed.

### *General Secretary Do Muoi's "breakthrough" guarantees*

Of great significance was the delegation's meeting with Vietnamese Communist Party General Secretary Do Muoi and Interior Vice Minister Le Minh Huong, held on the morning of April 22. The senators received from the General Secretary direct guarantees that the delegation and JTF-FA personnel would have whatever access to places, persons and records they determined essential to resolving the POW/MIA issue in 1992. In fact, Do Muoi asked the delegation on three separate occasions to tell him exactly what the Select Committee expected from Vietnam to resolve the issue.

Do Muoi also agreed to grant U.S. investigative teams access to border sites in Laos through Vietnam if Lao officials agreed. And he steadfastly maintained that no American prisoners were kept after Operation Homecoming, and denied that Vietnam had ever warehoused American remains.

The use of U.S. helicopters in POW/MIA investigations was one concession which Do Muoi and other Vietnamese leaders were unwilling to make, citing the probable negative reaction of the Vietnamese people to the sight and sound of U.S. choppers as a reason for their refusal.

### *Inspection of Thanh Liet Prison*

On April 21, the Senate delegation informed Vietnamese representatives that the senators wished to go to Thanh Liet prison located about 20 kilometers south of Hanoi in the Thanh Liet district. Thanh Liet had been the detention site for about 10 American POWs between 1968 and 1972, and had served as the location of three first-hand live-sighting reports of alleged American POWs since 1984. U.S. investigators had been denied permission to inspect Thanh Liet several weeks earlier.

On April 22, when the senators arrived at Thanh Liet Prison, their access initially was restricted by the camp commander to those areas where Americans were held during the war. Calls to the Foreign and Interior ministries by Vietnamese personnel accompanying the delegation won the delegation unrestricted access to all prison quarters.

Although the delegation found no evidence of Americans being held at Thanh Liet in recent years, their inspection of the prison established a precedent for the conduct of similar short-notice inspections by JTF-FA personnel.

### *Ho Chi Minh City, Da Nang, and Mekong Delta visits*

On the morning of April 23, Senators Kerry and Smith flew to the Mekong Delta; Senator Brown flew to Da Nang; and Senator Grassley met with Vietnamese officials in Ho Chi Minh City.

Senator Grassley and Select Committee staff talked extensively to Bui Dac Cam, a Vietnamese official involved since 1975 in the search for American MIA remains. Cam acknowledged that it is a crime in Vietnam to file a false live-sighting report and attributed many of those reports to the rumors of a two-million dollars reward for a live American. The need for communication on live-sighting reports between Vietnamese and American live-sighting investigators was emphasized.

Grassley later met with former Vietnamese "re-education camp" inmates, most of whom had been interned in North Vietnam for many years after the fall of Saigon. Several of the men said they had seen Marine Private Robert Garwood working in a re-education camp in North Vietnam. None reported seeing or hearing of any other Americans in detention camps after the war.

During his visit to Da Nang, Brown met with the KGB station chief at the Russian Consulate in Da Nang. He had been in Vietnam since 1972, and despite hearsay reports he had received, he



was convinced that there were no Americans presently held prisoner in Vietnam.<sup>556</sup>

Senators Kerry and Smith flew by helicopter to three sensitive military areas in southern Vietnam to further test Vietnamese commitment to short-notice live-sighting investigations. The Senators touched down on Phu Quoc Island, an active naval base; Dong Tam, former headquarters of the U.S. 9th Infantry Division, and Can Tho, a former U.S. Cobra helicopter base.

At each site there was initial local resistance to the visit which in most cases was eventually overcome. The stops highlighted several of the procedural and administrative obstacles to be dealt with if U.S. investigations of live-sighting reports are to be effective and credible.

The Senate delegation's activities in Vietnam were successful in a number of respects. First, while Vietnamese leaders steadfastly denied holding any Americans after the war, they gave specific assurances that Lt. Col. John Donovan, Chief of JTF-FA for Vietnam, and his investigators would be given access to all the places, persons and records necessary to achieve the fullest possible accounting. The delegation identified particular individuals which the Vietnamese should make available, records they should produce and places they must provide access to for the Select Committee to report favorably on Vietnamese cooperation.

Second, Senators had put Vietnam's assurances to a vigorous test, particularly the short-notice, live-sighting investigations—more than previous delegations had attempted.

Third, the delegation identified some of the logistical problems which Vietnam must resolve to enable U.S. investigators to investigate live-sighting reports, examine crash sites and otherwise freely pursue evidence about the fate of our POW/MIAs.

#### *Recent developments*

In April, following the Senate delegation's return the Bush Administration took the next reciprocal steps on the Road Map by allowing the commercial sale of certain products required to meet basic human needs, by easing restrictions on American non-governmental and non-profit groups working in Vietnam, and by agreeing to the establishment of telecommunications links between the U.S. and Vietnam. These steps were followed shortly by permission for Vietnamese-Americans to make direct money transfers to relatives in Vietnam.

In July, the Select Committee's staff director, Frances Zwenig, traveled to Southeast Asia to meet with Vietnamese and Lao officials. The purposes of Zwenig's trip to Vietnam were to impress upon Vietnamese officials the urgency of completing all current live-sighting investigations and to explore the possibility of holding an informal U.S./Vietnam hearing to discuss the status of unre-

<sup>556</sup> A few days earlier, the former number-two Soviet diplomat in Hanoi had described to the delegation a 1985 directive by the Soviet leader to the 9,500 Soviet advisers then in Vietnam. Seeking improved relations with the U.S., Mikhail Gorbachev had ordered all Soviet advisers to search for signs of living Americans—in captivity or living freely—in Vietnam. They found none, the diplomat said. It was the first time the extent of the Soviet presence was acknowledged.

solved discrepancy cases. Her visit to Vietnam coincided with JTF-FA Commander Maj. Gen. Thomas Needham's trip to the area.

Zwenig's discussions with Vice Foreign Minister Le Mai yielded Vietnam's agreement to an expedited schedule for investigations of prisons and military facilities on a priority list at DIA's detachment in Bangkok (Stony Beach). Further, Vietnam agreed to add a second investigator to its live-sighting team.

During this period, the U.S. was beginning to receive significant amounts of information from Vietnamese archives through the work of an American, Mr. Ted Schweitzer, who had been granted access to these records by the Government of Vietnam. Accordingly, on October 8, Acting Secretary of State Lawrence Eagleburger and Secretary of Defense Richard Cheney met with Vietnam's Foreign Minister Nguyen Man Cam, and the Director of the Americas Department, Le Bang, to discuss the information which the U.S. had been receiving and to work out an agreement to formalize U.S. access to this type of information.

Vietnam responded by inviting Vessey to Hanoi. Vessey departed for Hanoi on October 15; included in his delegation, at the request of President Bush, was Select Committee member Senator McCain.

McCain carried with him to Vietnam a letter from Chairman Kerry, encouraging and authorizing McCain's participation in the Vessey delegation.

The delegation arrived in Hanoi on October 17. In the first formal meeting on the following day, Vice Foreign Minister Le Mai led Vietnam's negotiators. Shortly before the meeting began, Vessey and McCain had an informal discussion with Mai, during which Mai indicated that the U.S. would receive the agreements we sought.

Progress in achieving U.S. objectives in the meeting proceeded so rapidly that the negotiations adjourned in considerably less time than anticipated by the delegation. Mai explained that the Government of Vietnam was currently collecting widely dispersed documentary evidence showing the fates of American POW/MIAs into Vietnam's military archives, where it would all be made available to U.S. investigators, and that Vietnam would sign an agreement to that effect before the delegation departed for the U.S.

Vessey then suggested that the delegations divide into teams to draft the formal agreement for access to this information and a memorandum of understanding detailing the mechanisms for that access. Deputy Assistant Secretary of State Ken Quinn led the team drafting the formal agreement, and Needham led the team to draft the memorandum of understanding. All U.S. personnel involved in the initial negotiations, and in the subsequent drafting sessions remarked on the relative ease with which the agreements were concluded.

The delegation departed Vietnam on October 19. Upon their return to the United States, Vessey and McCain characterized the agreements as a "breakthrough" that had established finally the mechanism through which the United States could receive the fullest possible accounting for our POW/MIAs. In a Rose Garden ceremony a few days later, President Bush also hailed the agreements as a "breakthrough."

A Senate delegation returned to Vietnam in November 1992 to follow up on Vessey's accomplishments of the month before and to push for further cooperation. The delegation's primary objectives were:

- To accelerate the pace of joint American-Vietnamese investigations of live sighting reports;

- To press for specific answers to questions raised by the most troubling of the remaining discrepancy cases;

- To expand research capabilities within the archives of Vietnam's military museums;

- To obtain access to Vietnamese veterans of the war, for the purpose of taking oral histories; and

- To push for the repatriation of remains held by private individuals throughout Vietnam.

Senators Kerry, Daschle and Brown held three days of meetings in Hanoi with President Le Duc Anh, Foreign Minister Nguyen Manh Cam and other officials of the Defense and Foreign Ministries, including working-level officials of the VNOSMP. Kerry delivered a letter from President Bush to President Anh encouraging Vietnam to continue to increase its level of cooperation on the POW/MIA issue.

The delegation made great progress in the area of live-sighting investigations. As discussed in greater detail in Chapter 4, the members of the delegation personally conducted investigations of six high-priority live-sighting reports and won assurances that American officials stationed in Vietnam would be permitted to conduct investigations of all of the remaining priority live-sighting reports by Dec. 10, 1992.

The members of the delegation also asked the Vietnamese hard questions about specific discrepancy cases in which it appeared most likely that the Vietnamese could provide information. In two meetings with officials of VNOSMP, the Senators discussed the factual details of several discrepancy cases and learned of archival, anecdotal and other information known by the Vietnamese about the fate of unaccounted-for Americans. Similar meetings at the working level are to continue.

The delegation stressed the great importance that the United States places upon access to Vietnam's war archives. Photographs, documents, artifacts and other materials already have provided answers to questions which have lingered for more than 20 years in a small number of discrepancy cases, and the Committee expects that more answers will be forthcoming as U.S. officials gain access to the wealth of information that exists within Vietnam's archives. In response to delegation requests, the Vietnamese promised to open new archival research offices in Da Nang and Ho Chi Minh City, in addition to the office already open in Hanoi.

The delegation also sought and obtained a promise from the Vietnamese Government to make Vietnamese veterans of the war available to American investigators for the taking of oral histories. Both sides recognized that Vietnamese soldiers have an enormous amount of information about individual battles and other incidents which will complement archival information as it is uncovered. The Committee expects that oral histories obtained from Vietnam-

ese veterans will answer many outstanding questions about what happened to unaccounted-for servicemen.

Finally, the delegation pressed the Vietnamese on the subject of remains. The Vietnamese assured the Senators that the Government was not holding any American remains and promised to take actions to encourage private citizens who might be holding remains to turn them in for repatriation to the U.S.

### *Committee hearings*

During its final public hearing, on Dec. 4, 1992, the Select Committee reviewed the status of progress in securing cooperation from Vietnam. Vessey testified that:

That long-sought agreement to get at the Vietnamese war-time archival material puts in place what I believe to be the last piece of procedural machinery that we needed to get to the fullest possible accounting . . .

I believe we now have in place the necessary agreements with the Vietnamese Government. We have correctly organized within our own Government. We have competent people working on the matter. But again I say there is a lot of work ahead. And a lot of cooperation will be required on both sides if we're to get the answers we seek.<sup>557</sup>

Needham, head of the JTF-FA, told the Committee that:

In the last year, the cooperation in Vietnam has been steadily improving . . .

Recently, with the visits of General Vessey and Senator McCain, and your Committee, there's been some dramatic improvements.

I think the Vietnamese could still do more, but right now we see cooperation getting better and better every day at the central level. In the field level, cooperation is mixed. In some provinces, it's better than others. In some areas, it depends on the central government team leader or the local officials as to whether it's up or down. We are still, across the board, seeing better improvement . . .<sup>558</sup>

A long-standing issue in U.S.-Vietnamese relations concerns the possibility that the Government of Vietnam has stockpiled the remains of American servicemen to be doled out at politically convenient times and, if so, whether that stockpile has by now been depleted. On this point, Vessey testified:

. . . the number of remains that some people expect to be in storage is too high. It doesn't stand the sensibility check . . . we don't know whether they hold remains or not.<sup>559</sup>

Needham testified:

I just don't know the answer on remains. I do know that there are many remains being held by private citizens and

<sup>557</sup> Vessey testimony, Dec. 4, 1992

<sup>558</sup> Needham testimony, Dec. 4, 1992.

<sup>559</sup> Ibid.

I've addressed that with the Vietnamese, because it's against their law. They tell me that they are trying to find a way to solve that problem. . . .

I also believe that there are some remains being held by the local district and village officials, all of this in hopes that there will be some monetary reward at some point.<sup>560</sup>

Mr. Garnett Bell, JTF-FA's negotiations assistance officer, testified:

There certainly was a warehouse in the Hanoi area at one time. The "mortician," I think, after he defected in 1979, he testified here in Congress that he processed some 452 remains. The Vietnamese were confronted with that information. They denied it. They indicated that they thought the mortician was fabricating.

He (the mortician) actually provided about seven different items of information. I think six of those have been verified. . . .

The Vietnamese, I believe, came to the conclusion that we were confident that the man was telling the truth. Since the mortician gave his testimony, they have returned to us approximately 450 remains.

Approximately 260-269 remains have now been identified, and that indicates to me (that) . . . they're telling us that we have given you those remains back and the warehouse here in Hanoi is empty.<sup>561</sup>

An important perspective on the issue of cooperation and accountability was presented to the Committee by Schweitzer, an individual who is now employed by the DoD and who played a major role in gaining U.S. access to Vietnam's military archives, where he had been working for more than a year first as a private researcher, compiling information for a book and then as a DoD consultant. Schweitzer said that a great deal of evidence and information concerning lost Americans is in the hands of private Vietnamese citizens, but that those citizens have lacked a strong incentive to come forward. In Schweitzer's opinion, Vietnamese citizens will be more likely to respond to appeals for information from the central government in Hanoi and from the U.S. if they see the U.S. beginning to act more favorably towards Vietnam.

Schweitzer also questioned the degree to which the central Government of Vietnam knows more than it has told the U.S. about the fate of missing Americans:

There were orders from Hanoi throughout the war that any American who was captured or any American who was killed, there was to be a complete report made and sent to Hanoi. But in the heat of battle in the war . . . a lot of times these reports just didn't get made. Sometimes they did get made and they didn't arrive in Hanoi . . . one specific case I was told about a report was made and then before the group taking the report back to Hanoi could get

<sup>560</sup> Ibid.

<sup>561</sup> Bell testimony, Dec. 4, 1992.

there, they were all killed in a bombing attack. So that report never made it.

Another case, a Navy flyer who was shot down, his airplane crashed in the sea. The Vietnamese went out with a boat and they actually pulled up the airplane, got it, got the pilot and buried him on the beach. The very next day, a bomb struck right on top of that pilot's grave where they buried him and absolutely nothing is left. Even though they had remains and pictures the remains are now completely unrecoverable. . . .

Schweitzer also had some provocative observations about the slowness in getting answers from Vietnam about some of our missing servicemen:

The methods employed by the U.S. side in searching for MIAs were basically unsound. The U.S. would provide the Vietnamese leadership with a list of names of missing Americans and expect the Vietnamese to come up with information on them. The Vietnamese leadership had no idea how to approach this problem. . . .

The Vietnamese archive system, such as it is, is not arranged by name, but rather by date and location of incident. Thus, if the U.S. side had requested a search of the Vietnamese archives by date and location of shootdown, many pilots would have been found, whereas a search by name would yield nothing . . .

Another factor delaying the process is the U.S. side's failure to show any interest whatsoever in Vietnam's own 300,000 MIAs . . .

Further, there is almost a religious resistance among the official and unofficial POW/MIA community and the U.S. against any serious scholarly research on dead MIAs . . . I personally spent tens of thousands of dollars, and nearly three years of my life, trying to get someone, anyone, to believe me that there was a mountain of information on dead Americans in Hanoi . . .

#### *December 1992: Kerry-Smith trip*

Senators Kerry and Smith returned to Hanoi on Dec. 17-18, 1992 for a final series of meetings with Vietnamese officials. The visit followed closely an announcement by President Bush that authorized American companies to open offices in Vietnam and to sign conditional contracts there; contracts would become effective upon the lifting of the economic embargo.

The delegation met in Hanoi with President Le Duc Anh, General Secretary Do Muoi, Foreign Minister Cam and several high-ranking officials of the general Political directorate of the Ministry of Defense. The purpose of the delegation's visit was to press the Vietnamese officials one final time to cooperate fully with U.S. efforts to resolve the POW/MIA issue by providing access to every source of POW/MIA-related information in Vietnam. The Vietnamese officials responded with promises of full cooperation and openness.

In a written memorandum presented to Senators Kerry and Smith at the conclusion of the visit, the Vietnamese officials described six new or expanded areas of cooperation, promising to:

Make available to U.S. investigators all POW/MIA-related documents, files and other information, including documents in the custody of the General Political Directorate of the Ministry of Defense, the successor to the Enemy Proselytizing Division and reputed to be Vietnam's most hard-line Communist bastion: its war-time archives include debriefing records of U.S. POWs and other documents which the Select Committee expects will shed light on the fates of many unaccounted-for servicemen. The Vietnamese also promised to U.S. investigators all POW/MIA-related information received from the possession of private citizens.

Search their files for information relating to the capture or loss of U.S. personnel along the Ho Chi Minh Trail and elsewhere in Laos and to coordinate this research with their Lao counterparts.

Strengthen the operations of the VNOSMP by adding senior personnel from other ministries of the government.

Grant amnesty for private citizens who turn in remains of U.S. servicemen. It is illegal in Vietnam for private citizens to hold remains, and Vietnamese officials believe that many private citizens who are holding remains have been reluctant to turn them in for fear of prosecution. The amnesty program is expected to result in the repatriation of many sets of remains.

Permit American "MIA families" and veterans to visit Vietnam to participate in the process of obtaining the fullest possible accounting.<sup>562</sup>

The Vietnamese also reaffirmed their on-going efforts to assist U.S. investigators in following up on all remaining unresolved live-sighting reports. By the end of December 1992, Vietnamese officials will have assisted in 65 live-sighting investigations in Vietnam.

Kerry and Smith both expressed satisfaction with the progress made on this final trip. All of these promises will require the cooperation of numerous officials at all levels of the Vietnamese Government, and many initiatives will take time to complete. If Vietnam's Government follows through on its assurances and provides access to all of the information and materials it has promised, there will be little more Vietnam could be asked to do to assist in accounting for missing Americans.

#### LAOS

U.S. efforts to obtain information from Lao authorities have been complicated by the facts that Laos was not a party to the Paris Peace Accords and the United States was not a party to the 1973 Laos cease-fire agreement that pledged all sides to return captive personnel. In addition, the DoD estimates that at least 75 percent of the Americans missing in Laos were lost in areas controlled at the time by North Vietnamese armed forces, generally in eastern Laos along the border with Vietnam and near the Ho Chi Minh

<sup>562</sup> Memorandum, Dec. 18, 1992



Trail. Although the quality of information and record-keeping in Laos is low, there is reason to believe that North Vietnamese military were instructed to recover and record all they could about downed U.S. aircraft. Thus, efforts to account for these Americans require a tri-lateral effort, involving not only the U.S. and Laos, but Vietnam, as well.

The current leaders of Laos, who are successors to the Pathet Lao guerrillas who contended for power during the war, may have some information concerning missing Americans that they have not yet shared. In general, Lao leaders have been far more reluctant than the Vietnamese to grant U.S. access to their territory to conduct live-sighting investigations and inspect crash sights. The atmosphere has improved in recent months, however, and negotiations are on-going for the establishment of a permanent POW/MIA investigation office in Vientiane, the capital.

During the Senate delegation's trip to Southeast Asia in November 1992, Senators Kerry and Daschle flew to Vientiane for meetings with Foreign Minister Phoun Sipaseuth and Vice Foreign Minister Soubanh Srithirath. The Senators reported to the Lao officials on the agreements that had been made in Vietnam and pressed the Lao officials to show a similar level of cooperation. Specifically, they asked Laos:

- To permit the U.S. to have a full-time, live-sighting investigator stationed in Laos,

- To permit U.S. crash and grave-site investigation teams to use Lao-Americans as translators during their investigations,

- To open the Laos Government's archives to U.S. investigators,

- To loosen restrictions imposed on U.S. investigative teams operating in Laos.

During the Committee's public hearing Dec. 4, 1992, Vessey testified:

Personally, I think more answers are deserved from the present Laotian Government than we are getting. I think that they need to be continually pressured for more answers.

Secondly, there's another good reason that the accounting will not be as good from Laos as it was or as it is likely to be from Vietnam. You've flown over the area. It's very rugged terrain, but the other thing is it is very sparsely populated. Compared to Vietnam, which is quite heavily populated, Laos is very sparsely populated. The second thing is that Laos is not as homogeneous a nation as is Vietnam. It's tribal ethnic groups that are split up in various places, the communication during war-time was miserable, and I doubt that it's much better today.

All that contributes to it, but I think more answers are deserved.<sup>563</sup>

Later, Bill Gadoury, a casualty officer working at Stony Beach, testified:

<sup>563</sup> Vessey testimony, Dec. 4, 1992.

... starting in 1985, I personally have seen a dramatic change in the level of cooperation that we get in the field ... certainly it's not anywhere near where we'd like to have it in terms of being able to field multiple teams and things of that nature, but just recalling back to my first field operations in Laos, just to show the contrast of where we were then and where we are now . . .

In February of 1986, we went on our first excavation in Savannakhet Province. And our team went into Savannakhet . . . and we had to spend the night because the landing site wasn't prepared. We were put up in a hotel. They put armed guards outside the door and they advised us not to go walking around.

More recently, on the operation I came back from a few weeks ago, we were given pretty much unlimited access in the area . . . to address the cases that we had agreed upon before going out to the field. The Lao were very cooperative . . . <sup>564</sup>

The Committee believes that, in general, cooperation from Laos has been disappointing over the years. Moreover, the Committee notes that the Laos Government has permitted only a handful of live-sighting investigations in the field and to date, U.S. investigators have not visited any detention camps in Laos. The Committee concurs with Gen. Vessey that more answers are deserved.

#### CAMBODIA

Cambodia was not a party to the Paris Peace Accords and no separate agreement on repatriation was reached in the aftermath of the war. The recovery of American POWs or remains in Cambodia was made virtually impossible after 1975, when the Khmer Rouge seized power and embarked on a bloody reign of terror directed at Cambodians and foreigners alike that left a million people—out of a total population of seven million—dead. Throughout much of the past 20 years, the U.S. has had either difficult or non-existent diplomatic contacts with the Cambodian Government. The years of struggle and chaos leave little hope that documents or records have survived that would reveal additional information about U.S. personnel.

As in Laos, however, most of the Americans unaccounted for in Cambodia were lost near the border with Vietnam in areas where North Vietnamese forces dominated. Thus, the best potential sources of documentary information concerning those lost in Cambodia may be in Hanoi, not in Phnom Penh.

The present government of war-ravaged Cambodia cannot be expected to possess documentary information relevant to the fate of missing American servicemen. Although the government has expressed its willingness to cooperate fully with the U.S. in efforts to resolve discrepancy cases, and has taken nearly every step requested by U.S. investigators—including granting permission to fly U.S. helicopters around the country—the Government is unable to guarantee security in areas controlled by Khmer Rouge guerrillas.

<sup>564</sup> Gadoury testimony, Dec. 4, 1992